

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MONTEL WOODS,)	
)	
Plaintiff,)	
)	Case No. 08 C 1953
v.)	
)	
Chicago Police Officer S. P. KELNOSKY,)	
Star # 10972, Chicago Police Officer)	Judge Norgle
W. D. MURPHY Star # 19214,)	
Chicago Police Officer C. F. CHMELAR,)	Magistrate Judge Denlow
Star # 18896, and the CITY OF CHICAGO,)	
)	JURY DEMANDED
Defendants.)	

**DEFENDANTS' MOTION FOR ENTRY OF
A PROTECTIVE ORDER**

Defendants, Chicago Police Officers Steven Kelnosky, William Murphy and Chris Chmelar (Individual Defendants), by one of their attorneys, Suyon Reed, Assistant Corporation Counsel of the City of Chicago, respectfully move this Honorable Court, pursuant to Fed.R.Civ.P. 26(c) and 45 C.F.R. 160 and 164, for entry of the attached Agreed Confidential Matter Protective Order.

In support thereof, Defendants state as follows:

1. The parties anticipate that documents pertaining to the parties and non-parties may be sought and produced in this matter. The plaintiff has also requested production in this litigation of personnel file-related information such as disciplinary history, Complaint Registers, and medical information covered by the Health Insurance Portability and Accountability Act.

Complaint Registers contain personnel record information regarding police officers and other Chicago Police Department personnel (including third-parties), including but not limited to personal identifiers of officers and their families, disciplinary histories, medical information, reports and other actions, as well as other information of unrelated civilian parties and witnesses that is sensitive or of a non-public nature related to discipline, confidential statements, medical information, and personal identifiers.

2. Personnel files, disciplinary histories and related information are protected by the Illinois Personnel Records Review Act, 820 ILCS 40/0.01 (West 2004) and the Illinois Freedom of Information Act, 5 ILCS 140/7 (West 2004).

3. The parties proposed Agreed Confidential Matter Protective Order prohibits use of personnel files and other personnel and disciplinary information and Complaint Register files for any purpose other than litigation of this case, prohibits their dissemination to parties outside this litigation, and requires their return to the producing party at the end of this litigation. Such an order would ensure the protection of such information, consistent with the principles of federal and Illinois law. This order will also protect against improper dissemination of confidential information and unfairness in the trial process.

4. The respective parties do not object to the disclosure of relevant production to other respective parties in accordance with the Federal Rules of Civil Procedure. The parties understand that either a party or an interested member of the public may challenge the confidential designation of its Protective Order.

5. The Individual Defendants forwarded a copy of a proposed protective

order to Plaintiff's counsel for approval on August 29, 2008, and Plaintiff's counsel agreed to the terms.

WHEREFORE, Defendants respectfully request that this Court enter the attached Agreed Confidential Matter Protective Order in this matter.

Respectfully submitted,

/s/ *Suyon Reed*

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